

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: GENE SPECIFIC ARRAYS AND THE USE THEREOF, the specification of which is attached hereto unless the following box is checked:

☒ was filed Herewith as United States Application Serial No. To Be Assigned.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/138,690	June 11, 1999

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 8, 2000
Date

Narayan Baidya
Name: Narayan Baidya
Residence: San Jose, CA
Citizenship: India
Post Office Address: 398 Boylston Avenue, #10, San Jose, CA 95117

Jan 7, 2000
Date

Chih-Der Ida Chen
Name: Chih-Der Ida Chen
Residence: Saratoga, CA
Citizenship: United States
Post Office Address: 21871 Via Regina, Saratoga, CA 95070

Date

Jalle Holding
Name: Jalle Holding
Residence: Palo Alto, CA
Citizenship: United States
Post Office Address: 3555 La Monte Way, Palo Alto, CA 94306

June 7, 2000
Date

Vic-Tch Yu
Name: Vic-Tch Yu
Residence: Menlo Park, CA
Citizenship: United States
Post Office Address: 1043 Santa Cruz Avenue, #C, Menlo Park, CA 94025

Application Serial No.	Patent No.	State
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date _____ Name: Narayan Baidya
 Residence: San Jose, CA
 Citizenship: India
 Post Office Address: 398 Boynton Avenue, #10, San Jose, CA 95117

Date _____ Name: Yii-Der Ida Chen
 Residence: Saratoga, CA
 Citizenship: United States
 Post Office Address: 21871 Via Regina, Saratoga, CA 95070

6/7/2000
 Date _____ Name: Julie Holding
 Residence: Palo Alto, CA
 Citizenship: United States
 Post Office Address: 3555 La Manta Way, Palo Alto, CA 94306

Date _____ Name: Yie-Teh Yu
 Residence: Menlo Park, CA
 Citizenship: United States
 Post Office Address: 1045 Santa Cruz Avenue, #C, Menlo Park, CA 94025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Narayan Baidya et al.

Serial No.: To Be Assigned

Filing Date: Herewith

For: GENE SPECIFIC ARRAYS AND THE
USE THEREOF

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Clingenix, Inc., the assignee of the entire right, title and interest in this patent application,
under 37 C.F.R. § 3.71 hereby appoints:

Laurie A. Axford (Reg No. 35,053)
Joseph Barrera (Reg No. 44,522)
Richard R. Batt (Reg No. 43,485)
Kimberly A. Bolin (Reg No. 44,546)
Barry E. Bretschneider (Reg No. 28,055)
Nicholas Buffinger (Reg No. 39,124)
Mark R. Carter (Reg No. 39,131)
Peng Chen (Reg No. 43,543)
Thomas E. Ciotti (Reg No. 21,013)
Raj S. Davé (Reg No. 42,465)
Carolyn A. Favorito (Reg No. 39,183)
Hector Gallegos (Reg No. 40,614)
Kenneth R. Glick (Reg No. 28,612)
Charles D. Holland (Reg No. 35,196)
Madeline I. Johnston (Reg No. 36,174)
Ararat Kapouytian (Reg No. 40,044)
Kawai Lau (Reg No. 44,461)
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Robert K. Cerpa (Reg No. 39,933)
Thomas Chuang (Reg No. P-44,616)
Matthew M. D'Amore (Reg No. 42,457)
Stephen C. Durant (Reg No. 31,506)
David Fehrman (Reg No. 28,600)
Debra J. Glaister (Reg No. 33,888)
Franklin Y. Han (Reg No. 41,055)
Peter Hsieh (Reg No. P-44,780)
Richard D. Jordan (Reg No. 33,519)
Richard C. Kim (Reg No. 40,046)
Elaine K. Lee (Reg No. 41,936)
Lisa E. Marks (Reg No. 44,901)

Thomas D. Mays (Reg No. 34,524)
Philip A. Morin (Reg No. P-45,926)
Catherine M. Polizzi (Reg No. 40,130)
Paul J. Riley (Reg No. 38,596)
Debra A. Shetka (Reg No. 33,309)
Kevin R. Spivak (Reg No. 43,148)
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Jimmy Zhang (Reg No. P-47,201)

Gladys H. Monroy (Reg No. 32,430)
Kate H. Murashige (Reg No. 29,959)
William C. Revelos (Reg No. 42,101)
Robert Saltzberg (Reg No. 36,910)
Terri Shieh-Newton (Reg No. P-47,081)
E. Thomas Wheelock (Reg No. 28,825)
Frank Wu (Reg No. 41,386)
Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

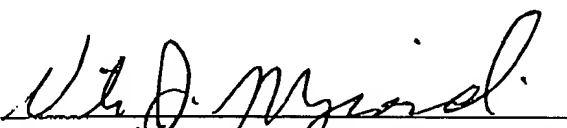
Please direct all written communications relative to this application to:

Gladys H. Monroy
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018

Please direct all telephone communications to Gladys H. Monroy at (650) 813-5711.

Clingenix, Inc.

Dated: June 8, 2000


Name: VITO J. MANGIARDI
Title: PRESIDENT & CEO
Address: 1190 Bordeaux Drive
Sunnyvale, CA 94089

Applicant/Patentee: Narayan Baidya et al.
Serial No./Patent No.: To Be Assigned
Filed on/Issued: Herewith
For: GENE SPECIFIC ARRAYS AND THE USE THEREOF

Docket No.: 421452000100

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) AND 1.27(c) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Clingenix, Inc.

ADDRESS OF CONCERN: 1190 Bordeaux Drive, Sunnyvale, CA 94089

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled GENE SPECIFIC ARRAYS AND THE USE THEREOF by inventor(s) Narayan Baidya, Yii-Der Ida Chen, Julie Holding and Yie-The Yu described in

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

NAME	STATUS
	<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING: 1190 Bordeaux Drive, Sunnyvale, CA 94089

SIGNATURE: *N. Baidya*

DATE: 5/8/2000